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September 5, 2014

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The Honorable Alison J. Nathan
United States District Judge
United States District Court for
the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 906
New York, NY 10007

USDC SDNY
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Re: *WNET, et al. v. Aereo, Inc.* and *ABC, et al. v. Aereo, Inc.*, No. 12-cv-1540-AJN –
Consolidated

Dear Judge Nathan:

Pursuant to Your Honor's Order dated June 24, 2013 [Dkt. 215], and Rule 4.A of the Court's Individual Practices, Plaintiffs seek the Court's permission to submit a substantive request for redaction of the following documents (served on all parties on September 5, 2014) no later than September 10, 2014, and respectfully request that the Court deem these documents timely-filed:

1. Reply Memorandum on Remand in Support of a Preliminary Injunction ("Reply Brief");
2. The Declaration of Julie Shepard and Exhibits A-M thereto;
3. The Declaration of Bruce Keller and Exhibit A thereto; and
4. Plaintiffs' Evidentiary Objections to Aereo's Submission of the Chipty Report in Opposition to Plaintiffs' Motion for Preliminary Injunction.¹

Aereo does not object to this proposal. These documents contain extremely sensitive information that Plaintiffs and Aereo have designated as Highly Confidential under the Protective Order in this case, so the parties must confer and jointly submit their substantive request for redaction pursuant to Rule 4.A. Plaintiffs are mindful of Your Honor's policy on redactions and have already held one meet and confer with Aereo regarding both parties' proposed redactions to Plaintiffs' Reply Brief, supporting documents and evidentiary objections. However, as contemplated in Your Honor's June 24, 2013 Order, Plaintiffs need additional time to meet and confer with Aereo regarding the redactions of the Highly Confidential portions of these documents. On September 10, Plaintiffs will submit a joint letter from the parties to the Court, along with their proposed redactions pursuant to Rule 4.A., asking the Court to file under seal the documents listed above while allowing Plaintiffs to file redacted versions of these same documents in the public docket.

¹ The Declaration of Sherry Brennan does not require redaction and will be filed via ECF today.

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After Your Honor rules on the parties' proposed redactions, Plaintiffs will promptly file redacted versions of its papers in the public docket and provide Your Honor with courtesy copies of all motion papers pursuant to Rule 3.D. In the interim, if Your Honor would like a courtesy copy of Plaintiffs' Reply Brief or any other papers earlier, they will be provided promptly upon request.

Respectfully submitted,

/s/ Julie A. Shepard

Julie A. Shepard
Jenner & Block LLP
Counsel for the WNET Plaintiffs


cc: All Counsel of Record

Plaintiffs' unopposed request to meet and confer with Defendant and submit a joint request for redactions of the documents listed in Plaintiffs' September 5, 2014 letter is GRANTED. The Court will deem these documents timely filed as of September 5, 2014.

The parties shall jointly submit their proposed redactions and justifications no later than September 10, 2014 in accordance with Rule 4.A. of this Court's Individual Practices in Civil Cases.

In the interim, Plaintiffs shall promptly submit, via email to the Court, copies of the documents listed in the September 5, 2014 letter with yellow highlighting indicating proposed redactions.

SO ORDERED:



HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

9/8/14